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CITY OF

FORT LAUDERDALE

**AVIATION ADVISORY BOARD
FORT LAUDERDALE EXECUTIVE AIRPORT
ADMINISTRATIVE OFFICE - MULTIPURPOSE ROOM
6000 NW 21 AVENUE, FORT LAUDERDALE, FL
THURSDAY, APRIL 23, 2009 1:30 P.M.**

Board Members	Attendance	Cumulative Attendance 7/08 through 6/09	
		Present	Absent
Bunney Brenneman, Chair	P	7	0
Joseph Scerbo, Vice Chair	A	5	2
Lee Alexander	P	5	2
Michael Dunbar	P	4	3
Lloyd Evanson	P	6	1
Linda Iversen	P	6	1
Johnnie Riles	P	4	1
Deborah VanValkenburgh	P	5	2
David Rosendahl, Tamarac	A	1	1

Airport/City Staff

Clara Bennett, Airport Manager
Mark Cervasio, Assistant Airport Manager
Florence Straugh, Noise Abatement Officer
Rufus A. James, Airport Operations Supervisor
Fernando Blanco, Airport Engineer
Leslie Carhart, Administrative Assistant
Sharon Dreesen, Airport Administrative Aide
Jason Robinson, Airport Operations Aide
James Foster, Airport Programs Aide
Victoria Minard, Assistant City Attorney
Cate McCaffrey, Director of Business Enterprises
Bonnie Schultz, FAA Tower Manager
J. Opperee, Recording Secretary, Prototype Services

Communications To City Commission

None

Call to Order

The meeting was called to order at 1:31 p.m. by Chair Brenneman. Board members, City staff and guests introduced themselves in turn.

FORT LAUDERDALE EXECUTIVE AIRPORT
6000 N.W. 21ST AVENUE, SUITE 200, FORT LAUDERDALE, FLORIDA 33309
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1. Approve Minutes of March 2009 Meeting

Motion made by Dr. Alexander, seconded by Ms. Iversen, to approve the minutes of the Board's March 2009 meeting as presented. In a voice vote, motion passed unanimously.

2. Fort Lauderdale Crown Center, Inc. – Lots 29, 30, 34, and 35 - Site Plan Approval

Ms. Bennett explained that the City had approved a site plan in 2006 for the construction of a 110,000 square foot, five-story office building and a four-level structured parking facility but the project was never constructed and the site plan approval had expired. As stated in a letter from the lessee's attorney, Fort Lauderdale Crown Land Trust now intended to reinstate this project and was requesting site plan approval. Staff has reviewed the plan and had no objection.

Ms. Bennett stated Crown Center owned Lots 27, 28, 36 and 37 immediately adjacent to these lots. The lease for this property commenced on January 15, 1985 and had a term of 50 years with options to renew for an additional 45 years. The annual rent for the property was \$309,304.84, subject to Consumer Price Index Adjustments every five years. The next adjustment was scheduled to occur on January 1, 2011.

Staff Recommendation:

Staff recommends approval of the attached conceptual site plan for a 110,000 square foot, five story office building and a four-level structured parking facility on the Fort Lauderdale Crown Land Trust, Inc. Lease for Lots 29, 30, 34 and 35.

Mr. Jim Goldstein, President of Midgard Management, informed the Board that the plan was for a five-story, 110,000-foot building. He explained that they had recently upgraded one of their buildings to current hurricane standards and with pending Leadership in Energy and Environmental Design [LEED] certification. They planned to construct this building to the same standards.

Mr. Goldstein informed Mr. Dunbar that the parking ratio was approximately 4/1 and stated they would add more parking in the garage. The parking area would include designated spaces for carpool vehicles and low-emission vehicles.

Mr. Goldstein briefly described components of the LEED building concept and certification to Ms. Iversen. Chair Brenneman commended Mr. Goldstein on his corporate consciousness regarding the LEED certification, and announced that on April 25, the City and the Utility Advisory Board would co-sponsor a Green Expo in Stranahan Park.

Motion made by Dr. Alexander, seconded by Ms. VanValkenburgh, to approve the staff recommendation. In a voice vote, motion passed unanimously.

3. Taxiway Alpha Relocation – Project 10802 - Construction Support/Inspection Services – Amendment No. 1 to Task Order 31 Kimley-Horn and Associates, Inc.

Mr. Blanco reported that per Task Order No. 31, Kimley-Horn and Associates Inc. provided construction observation and support services for the Taxiway Alpha Relocation Project. The task order included: participation in weekly construction meetings, site inspections, review and approval of change orders and shop drawings, asphalt paving monitoring, testing, DBE support and monitoring services, and electrical inspections.

Mr. Blanco stated this amendment to the task order would provide for additional construction support services because the construction schedule had been extended an additional two months. The delay to the schedule was due primarily to issues arising from burrowing owls and gopher tortoises in the construction area and delays in material deliveries for critical items.

Mr. Blanco said staff had reviewed the proposed amendment and the associated fees, and recommend approval. He noted that funds were available from the Airport's Capital Improvement Plan and from grants from both the Florida Department of Transportation [FDOT] and the Federal Aviation Administration [FAA] for reimbursement of approximately 98.75% of project costs. The costs associated with Amendment No. 1 were eligible for funding under FAA and FDOT grants.

Mr. Dunbar asked if the contractor should be assessed some of the costs for the delay because of the delay in delivery of critical items. Mr. Cervasio explained that the primary project delay was the receipt of the State permit to relocate the owls and tortoises. He stated FXE's exposure for the delays was only approximately \$760 because of the grant money involved.

Staff Recommendation:

Staff recommends approval of the proposed Amendment No. 1 to Task Order No. 31 with Kimley-Horn and Associates, Inc. for construction support/inspection services for the Taxiway Alpha Relocation in the amount of \$26,902.00.

Motion made by Ms. VanValkenburgh, seconded by Mr. Riles, to approve the staff recommendation. In a voice vote, motion passed unanimously.

4. Enhanced Radar Service and Reporting Software - Contract Renewal - PASSUR Aerospace, Inc.

Ms. Straugh reminded the Board that in 2005 they had reviewed and approved a proprietary contract with Megadata Corporation for the PASSUR Portal, PASSUR Pulse and Mode-S data feed. The City Commission approved this contract on July 19, 2005 with annual renewals each year thereafter. Ms. Straugh stated in April 2008, Megadata had changed the company name to PASSUR Aerospace, Inc.

Ms. Straugh explained that this service provided enhanced aircraft data, which enabled staff to better identify aircraft and educate pilots about the Noise Abatement program.

Ms. Straugh informed the Board that City Departments now must submit proprietary/sole source items such as this individually to Procurement, who would combine all City proprietary/sole source items as a group and present them to the Commission for approval.

Staff Recommendation:

We recommend approval to execute this one-year contract extension with PASSUR Aerospace, Inc. for a total amount of \$21,420.

Ms. Straugh explained to Dr. Alexander that when a plane was identified in a noise event, she and/or Mr. Foster would visit the aircraft when it landed.

Motion made by Ms. VanValkenburgh, seconded by Mr. Evanson, to approve the staff recommendation. In a voice vote, motion passed unanimously.

UPDATE ITEMS

A. Noise Compatibility Program with an Overview of the New Monthly Statistical Format

Noise Abatement Workshop – Jet Pilots:

Mr. Foster announced that the Noise Abatement Office had held a Noise Abatement Workshop for Jet Pilots on April 1, 2009, which seventeen pilots and one FAA representative from FSDO –19 FAAS Team had attended. This was the largest attendance for any Noise Abatement Workshop to date.

Mr. Foster said pilots had shared specific operating practices for their aircraft and staff had presented a number of future programs to the pilots and listened to their feedback.

Noise Abatement – New Monthly Statistical Format:

Mr. Foster reported that the Noise Abatement Office had restructured the monthly

statistical data to be more streamlined and had added statistics for propeller aircraft activity. The report contained additional and improved graphics as well.

Chair Brenneman remarked that the last graphic, which depicted landings and takeoffs, showed how effective the I-95 turn was and she thought this should be distributed to the neighborhoods.

Nighttime and I-95 Turn

In March 2009, there were no noise events over 80 dB between 10:00 p.m. and 7:00 a.m. Forty-nine (49) jets had flown the I-95 Turn between 10:00 p.m. and 7:00 a.m. and three (3) were stage 2. There were three (3) nighttime straight-out departures; all were stage 3 aircraft air ambulance flights.

Noise Abatement Program Statistics

Noise Abatement Program statistics for March 2009 were included in the Board's packet.

Ms. Iversen commended the Noise Abatement Office on the new report format. She wanted to go on record that "in terms of the number of households reporting, the people are burned out and it's not a statistically valid measurement of the community's feelings."

Chair Brenneman commended the Noise Abatement Office on the new report format, stating that it was much easier to understand.

Mr. Foster informed Ms. VanValkenburgh that noise monitor 6 had been out of service for approximately 24 hours in March but no data had been lost.

B. Development and Construction

Taxiway Alpha Relocation Project #10802

Mr. James reported that Ranger Construction had completed phase four of the project and was currently working on phases three and five. Demolition of the existing Taxiway Alpha pavement, the run-up pavement and Taxiway Quebec pavement in phases 3 and 5 were complete and the sub-grade foundation for the new Taxiway Alpha pavement had passed inspection

Mr. James stated that Runway 8-26 would be closed for two nights: Wednesday, April 29, and Thursday, April 30 2009 from 10:00 pm until 6:00 a.m. The Airport would remain open for arrivals and departures, and Runway 13-31 would be available for use during this time. A notice of the runway closure had been sent to Airport tenants and staff would also issue a Notice To Airmen [NOTAM] to inform pilots of the closure. They had also requested that the Public Information Office [PIO] notify neighboring communities who would be affected by the change in aircraft flight

patterns. Mr. James agreed to continue to provide the Board with updates on the progress of this project.

Operations statistics for March were included with the Board's packet.

C. Arrearages

Rent

Ms. Bennett reported that Performance Trading, Inc. had not paid the February or March rent for Parcel 8D. A default letter was issued and they would have thirty days to cure the default.

Ms. Bennett stated until the past six months, Performance Trading had not missed a rent payment in the six or seven years they had been on the property.

Dr. Alexander asked if renegotiating the lease would be considered if a tenant was having problems making payments. Ms. Bennett said staff would be willing to look into this, and it must then be brought to the City Manager and City Attorney's office as a staff recommendation.

Fuel Flowage

There were no fuel flow arrearages to report.

D. Southern Facilities Parcels B, C and D - Update

Ms. Bennett remarked that these leases had a long history. She pointed out the five parcels on an aerial photo and explained that in March 1998, Southern Facilities Development entered into options to lease the parcels totaling 48 acres in the Fort Lauderdale Industrial Airpark Section 2.

Ms. Bennett continued that the Option Agreement allowed the tenant to execute one lease per year over a five-year period. In March of each year, the tenant would repay the option payment and execute a lease until all five leases were executed.

Ms. Bennett stated three of the parcels remained undeveloped: B, C and D, which all had environmental designations. Parcel B had a Natural Resource Area designation; Parcel C had Wetlands designation; and Parcel D had a combination of Natural Resource Area and Wetlands designation. The tenant understood that these designations existed and there were provisions in the lease to account for the processes to accomplish the required site plan approvals and mitigations.

Ms. Bennett informed the Board that in 2003, the City and the tenant had executed an amendment to the lease to allow the tenant additional time to comply with the lease requirements while obtaining the permits. The tenant intended to file an administrative action against the County for its failure to issue the permits. The lease

amendment allowed time to do this, and during this time the rent would accrue and be due after the action was settled and the permits executed. The lease also included credits to the tenant for the mitigation costs, up to certain limits.

Ms. Bennett said the tenant had received permits, dated December 21, 2007, but certain conditions must still be executed for the permits to be valid. In the past year, staff had numerous meetings with the lessee to discuss the total accrued rent and a fair recommendation to allow for the unanticipated costs and time the process had taken. She said staff hoped to conclude negotiations in the next few weeks and to bring a staff recommendation on the Permit Agreement and Second Amendment to the Board and City Commission in May or June.

Ms. Bennett informed Mr. Dunbar that total accrued rent was approximately \$3 million and the formula in the lease allowed for credits up to 75% of the appraised value of the property. She explained that at the time the leases were executed, they anticipated they could use land banks for offsite mitigation, but the land banks had since closed, and the County had asked for a combination of on-site conservation easement on sections of Parcels B and D and offsite mitigation at Mills Pond Park.

E. FLL Update

Ms. Straugh reported there were no updates for FLL.

F. Alert 3 Accident, April 17, 2009 (Walk-on Item)

Ms. Bennett informed the Board that Mr. James and his staff had created a summary regarding the April 17, 2009 accident near FXE, which was distributed to Board members. The preliminary National Transportation Safety Board [NTSB] report was posted to their website that morning and a copy had been provided to the Board. She reminded the Board that the determination of the accident's cause could take a year or more. Ms. Bennett promised to provide updates as they became available.

Ms. Iversen stated this was the fourth accident in four years, and all had involved "very old" aircraft. She asked what could be done to "get rid of these crappy old airplanes." Ms. Bennett believed this was a federal legislative issue, and advised that representatives in Washington might have influence with the FAA and their regulations. She remarked that FXE staff performed a tremendous amount of education and outreach to pilots. Ms. Bennett reported that in 2007, the City Commission had passed a resolution urging the FAA to pass a budget that included an adequate number of inspectors, some of whom could be allocated to FXE, but this budget had still not passed.

Ms. Bennett added that there were usually contributing factors other than aircraft age that must be evaluated in an incident such as this, most notably pilot error. She stated all of these issues were handled at the regulatory level. FXE was responsible to provide a safe and efficient ground-based operation. They had strict minimum

standards for tenants regarding insurance, levels of service and the leases. Ms. Bennett stated in the past ten years, they had invested over \$30 million in infrastructure improvements to the airfield, and countless hours in staff training and safety initiatives.

Mr. Dunbar wondered if they could institute additional inspection requirements for planes that were seldom used. Ms. Bennett stated they had no jurisdiction over aircraft maintenance; this was the sole purview of the FAA.

Ms. VanValkenburgh was concerned about the Tower's decision to advise the pilot to turn around over a heavily populated area rather than head toward the ocean to ditch the plane. Ms. Bonnie Schultz, FAA Tower, explained that when a pilot had an emergency, it was up to the pilot to determine where he would go; the Tower had no control over this.

Other items and announcements

Ms. Marcia Gallagher, resident of Tamarac, read a prepared statement regarding noise issues at her residence. She stated that there had been a noticeable increase in the past year in the number of aircraft that flew over her home. Ms. Gallagher said Tamarac was not a designated noise-sensitive area. They bore the burden of most arrivals and nighttime traffic while receiving no direct financial compensation from FXE revenues.

Ms. Gallagher said she had regular conversations with Mr. Foster and diligently called the Noise Abatement Hotline, but the situation only improved for a day or two. She felt the problem was that FXE had no enforcement mechanism for aircraft that did not follow recommended procedures. Ms. Gallagher recommended the following enforcement mechanisms:

- Implement an automatic reporting mechanism to identify pilots who disregard recommended noise abatement procedures, and a consistent, documented policy for following up on the incidents, that is enforced at the executive management level of this airport.
- Charge more for facilities for aircraft when the pilots disregard recommended procedures.
- Publish the guidelines for evaluation and results of periodic evaluation, to assist with compliance and accountability of the Control Tower and the Pilots.

Ms. Bennett stated Ms. Straugh and Mr. Foster had been speaking with Ms. Gallagher and would provide a report to the Board in May.

Motion made by Dr. Alexander, seconded by Ms. VanValkenburgh, to hear a report from Ms. Straugh and Mr. Foster in May regarding this. In a voice vote, motion passed unanimously.

Mr. Dunbar requested an update on the Customs facility. Mr. Cervasio stated they had met with Customs officials, who informed them that if any alterations were made, the building must be brought up to current standards. This would represent an enormous investment for a very short term, so staff was reevaluating the situation. In the meantime, staff had painted, cleaned carpets and performed maintenance on the bathrooms. Mr. Cervasio said Engineering was reevaluating the estimates, and agreed that costs would be higher for the work staff had originally planned.

Mr. Cervasio said staff had determined that there was not sufficient room on the current site for an adequate facility and ramp space. They were considering options for another site that would be available in 2012.

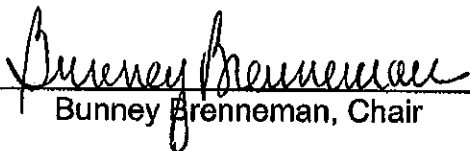
Ms. Bennett thought that the people with whom staff had originally met had been unaware that even minor building alterations would trigger the need to comply with all current requirements. The Port Director had alerted them to this, and they had committed to make minor cosmetic improvements to the facility in the meantime.

Ms. Bennett announced that the replacement Tower was funded; they anticipated it would be designed this year and open in 2011 to 2012.

Ms. Bennett also announced to the Board that the City Commission has requested to see communications to them from boards and committees. The Commission has requested a "new" section entitled "Communications to City Commission" be placed on page one of their minutes so that Board members may highlight any communications they may wish to make to the City Commission.

There being no further business before the Board, the meeting adjourned at 3:02 p.m.

➤ Next scheduled meeting date: Thursday – May 28, 2009 – 1:30 PM


Bunney Brenneman, Chair

PLEASE NOTE:

If any persons decide to appeal any decision made with respect to any matter considered at this public meeting or hearing, he/she will need a record of the proceedings and, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

NTSB Identification: **ERA09FA248**
14 CFR Part 91: General Aviation
Accident occurred Friday, April 17, 2009 in Oakland Park, FL
Aircraft: CESSNA 421B, registration: N1935G
Injuries: 1 Fatal.

This is preliminary information, subject to change, and may contain errors. Any errors in this report will be corrected when the final report has been completed.

On April 17, 2009, about 1115 eastern daylight time, a Cessna 421B, N1935G, owned and operated by the commercial pilot, was substantially damaged during impact with a residence in Oakland Park, Florida, following a loss of engine power shortly after takeoff from Fort Lauderdale Executive Airport (FXE), Fort Lauderdale, Florida. The certificated commercial pilot was killed. The personal flight was conducted under the provisions of 14 Code of Federal Regulations Part 91. Visual meteorological conditions prevailed and an instrument flight rules (IFR) flight plan was filed for the planned flight to Fernandina Beach Municipal Airport (55J), Fernandina Beach, Florida.

According to a friend of the pilot, who had also flown the accident airplane on many occasions, the airplane was based in Costa Rica. The pilot lived in Costa Rica, but spent 2 or 3 weeks every year in the Fort Lauderdale area. Prior to the accident flight, the pilot flew the airplane from Costa Rica to FXE, where it sat for 2 days. During that time, the airplane was fueled with approximately 75 gallons of 100 low lead aviation gasoline. The pilot intended to sell the airplane to a buyer in the Jacksonville area, and was flying to 55J.

Witnesses at a fixed based operator (FBO), located at FXE, reported that the pilot ran the engines to full power for about 20 minutes while the airplane sat on the ramp. The pilot appeared to be troubleshooting an engine issue. The pilot then shut down the engines, added oil to one of the engines (not sure which one), and started them again. He then ran the engines for 5 more minutes, before departing on runway 8. Witnesses then observed fire emanating from the right engine after rotation.

Several witnesses near the accident site observed the airplane in a shallow climb from runway 8, flying low, with the right engine on fire. Some of the witnesses reported that the flames were yellow in color and no smoke was observed. The airplane then banked right and descended into a residential area.

Review of preliminary data from Federal Aviation Administration (FAA) revealed that the pilot radioed the FXE tower shortly after departure. The pilot stated that he was having trouble with the airplane and needed to return to the airport. The tower controller cleared the flight to land on any runway, and no further communications were received from the accident airplane.

The wreckage was located in a residence, and examined on April 17 and 18. All major components of the airplane were accounted for at the scene. A debris path originated at the rear of the residence, where freshly cut tree branches were observed. The branches were cut at an approximate 45-degree angle, and exhibited black paint transfer. The debris path extended on an approximate 280-degree magnetic heading to the front of the residence. The airplane came to rest inverted on a heading about 060 degrees magnetic. The right engine and portions of the right wing were located at the rear of the residence. The left engine, portions of the left wing, the empennage, and the cockpit area were located at the front of the residence. The majority of wreckage had been consumed by a postcrash fire.

Rudder control continuity was confirmed from the rudder pedals to the rudder, with cable cuts performed by emergency medical services (EMS) noted. Rudder trim continuity was confirmed from the trim wheel to the rudder tab, and measurement of the rudder trim actuator revealed an approximate 2-degree tab left (rudder right) position. Elevator control continuity was confirmed from the cockpit area to the elevator horn, with some turnbuckle melting and EMS cable cuts noted. Elevator trim continuity was confirmed and measurement of the elevator trim actuator revealed an approximate neutral setting. Left aileron control cable continuity and trim was confirmed from the control yoke to the left aileron bellcrank, with melting of several aluminum components noted. Measurement of the aileron trim actuator revealed an approximate 15-degree left aileron tab down (aileron up) position. Right aileron control continuity was confirmed from the control yoke to the right wing root, where the cable had separated consistent with overstress, and continued on to the right aileron bellcrank.

The airplane's landing gear was observed in the retracted position and the position of the flaps could not be determined. The right fuel selector was positioned to the right main fuel tank and the left fuel selector was not located. Several flight instruments were recovered from the cockpit and although they sustained fire damage, some were readable. Both attitude indicators were tumbled left wing low. An airspeed indicator displayed approximately 110 knots. A turn and bank indicator's needle was near the centered position and the ball was destroyed.

Both propellers had separated from their respective engines. The engines, turbochargers, and propellers were retained for further examination.

The pilot, age 80, held a commercial pilot certificate, with ratings for airplane multiengine land and instrument airplane. He held a private pilot certificate, with ratings for airplane single-engine land, airplane single-engine sea, and glider. His most recent FAA second-class medical certificate was issued on December 18, 2007. At that time, the pilot reported a total flight experience of 23,000 hours. The pilot's wife reported that he had approximately 5,000 hours of flight experience in the accident airplane, and he had flown about 25 hours during the 90-day period preceding the accident.

The six-seat, low-wing, retractable-gear airplane, serial number 421B-0836, was manufactured in 1974. It was powered by two Continental GTSIO 520-H, 375-horsepower engines, equipped with McCauley propellers. Maintenance logbooks were located in the airplane, and had been partially consumed by fire. Review of the logbooks revealed that the airplane's most recent annual inspection was completed on June 6, 2008.

The reported weather at FXE, at 1053, was: wind from 060 degrees at 17 knots; visibility 10 miles; scattered clouds at 3,300 and 4,500 feet; temperature 24 degrees Celsius; dew point 16 degrees Celsius; altimeter 30.17 inches of mercury.

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